

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

ANDREW MATTHEW OBRIECHT,

Plaintiff,

Case No. 05-C-1171

v.

MATTHEW J. FRANK and
BYRON BARTOW,

ORDER

Defendants.

On November 17, 2005, *pro se* plaintiff, Andrew Obrieht, was ordered to pay an initial partial filing fee of \$56.79 to the clerk of court within 21 days of the court's order, pursuant to the provisions of the Prison Litigation Reform Act (PLRA). *See* 28 U.S.C. § 1915(b)(1).

By letter of November 30, 2005, the plaintiff indicates that he does not currently have funds available in his trust account at the correctional institution where he is incarcerated, although his prison release account contained \$500 as of November 30, 2005. He requests that the \$56.79 be withdrawn from his release account and be sent to the clerk of court for this district.

After due consideration, and in light of the plaintiff's request that prison officials take the \$56.79 out of his release account, the warden at the correctional institution is directed to submit to the clerk of court within 21 days of the date of this order the \$56.79 as the plaintiff's payment of his initial partial filing fee. *See Doty v. Doyle*, 182 F. Supp. 2d 750, 751-52 (E.D. Wis. 2002).

NOW, THEREFORE, IT IS HEREBY ORDERED that, upon the request of the plaintiff, the warden at the correctional institution where the plaintiff is incarcerated shall withdraw \$56.79

from the plaintiff's release account and forward that sum to the clerk of this court as plaintiff's initial partial filing fee in this action. Such payment is to be made within 21 days of the date of this order. Upon payment of this initial partial filing fee, the court will determine whether the action can continue to proceed *in forma pauperis*.

IT IS ALSO ORDERED that copies of this order be sent to the warden at the Wisconsin Resource Center and to Corey F. Finkelmeyer, Assistant Attorney General, Wisconsin Department of Justice, P.O. Box 7857, Madison, Wisconsin, 53707-7857.

Dated at Milwaukee, Wisconsin this 5th day of December, 2005.

BY THE COURT

/s/ William E. Callahan, Jr.
WILLIAM E. CALLAHAN, JR.,
United States Magistrate Judge